

1 Terrence J. Donahue  
2 Chapter 7 Trustee  
3 1200 Wells Fargo Plaza  
4 1201 Pacific Avenue  
Tacoma, Washington 98402  
Telephone: (253) 620-2519  
Facsimile No.: (253) 620-2529

The Honorable Philip H. Brandt  
Chapter 7  
Hearing Date: February 27, 2007  
Hearing Time: 9:30 a.m.  
Response Date: February 20, 2007  
Hearing Location: Tacoma, Washington

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8 IN THE UNITED STATES BANKRUPTCY COURT  
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

9 In Re:

10 DEBORAH JOY MATTHEWS,

11 Debtor.

NO. 04-42330-PHB

MOTION TO APPROVE  
ABANDONMENT OF CLAIM FOR  
LEGAL MALPRACTICE

12 **COMES NOW** Terrence J. Donahue, duly appointed and acting Chapter 7 Trustee  
13 (“Trustee”), and moves the Court pursuant to 11 U.S.C. § 554 to abandon the estate’s interest  
14 in an alleged claim for legal malpractice.

15 **DISCUSSION**

16 This bankruptcy proceeding was originally filed on March 9, 2004.

17 Deborah Joy Matthews is “Debtor” herein.

18 David A. Stirbis is Debtor’s attorney.

19 Terrence J. Donahue is the duly appointed and acting Chapter 7 Trustee (“Trustee”).

20 On information and belief, Debtor relied on petition preparers to prepare her petition.

21 It is clear that Debtor failed to disclose a personal injury claim which is property of the  
22 estate. The case was closed in 2004. Thereafter, upon discovery of the personal injury  
23 claim, the case was reopened in October 2006. Debtor’s failure to properly disclose the  
24 personal injury claim may be a basis to object to any claimed exemption therein. Debtor may  
25 have some resulting claim against the petition preparer, which if said claim arose prior to the  
26 filing of the petition on March 9, 2004, may be an asset of the estate.

1 Trustee has reviewed the potential alleged claim against the petition preparer and  
2 feels that it is burdensome and of inconsequential value to the estate. Accordingly, pursuant  
3 to 11 U.S.C. § 554, Trustee seeks to abandon any alleged claim against the petition preparer.

4 The Certificate and Signature of Non-Attorney Bankruptcy Petition Preparer is  
5 attached hereto as **Exhibit A** and incorporated herein by this reference identifying four (4)  
6 individuals.

7 DATED this 26<sup>th</sup> day of January, 2007.

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9 By: /s/ Terrence J. Donahue  
10 Terrence J. Donahue, WSBA #15193  
11 Chapter 7 Trustee  
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